

REMARKS

A Request for Continued Examination accompanies this response. Claims 86-94 are pending in the present application and stand rejected as not sufficiently described. The Office bases this rejection on the contention that sequences comprising SEQ ID Nos:5, 8 and/or 9 include many sequences of undetermined sequence and specific function. See Office Action dated December 19, 2003. The Office has indicated that claims limited to a PNRC molecule comprising SEQ ID NO:8 or 9 which contains the binding sequence of SEQ ID NO:5, should be allowable, however claim 96, which was so limited, was not entered as raising unspecified new issues. The actual basis for the rejection therefore is not clear to Applicants.

In the Advisory Action dated June 16, 2004 further states that the genus claims encompass any sequence that comprises SEQ ID NO:5 or any fragment of SEQ ID NOs:8 or 9, and rejects all claims on that basis, even claims 87-89 which do not encompass such sequences. The Advisory Action indicates further that the specification does provide a description of a PNRC of SEQ ID NO:8 or of SEQ ID NO:9 which comprises SEQ ID NO:5, yet maintains rejection of claims limited to subsequences of SEQ ID NO:8 or 9 that contain SEQ ID NO:5 that are fully described in the specification.

Applicants submit that the sequence disclosures of the specification describe the sequences of SEQ ID NOs:5, 8, and 9 in the most complete manner possible, leaving not a single amino acid residue uncertain. Therefore, any sequence that contains SEQ ID NO:5 and is either SEQ ID NO:8, SEQ ID NO:9, or a fragment of SEQ ID NO:8, is described with utmost particularity. Given the invention here, Applicants submit that, since the binding

sequence and all the claimed sequences that are subfragments of SEQ ID NO:8 are described, no reasonable artisan would doubt Applicants had possession of those sequences.


Nevertheless, to advance prosecution at this time and in view of the uncertainty as to the actual basis of the rejection of claims 87-89 and 91-94, as well as proposed but non-entered claims 95 and 96, Applicants now request that the Office not enter the previous amendments filed April 19, 2004, and enter the amendments contained herein in their stead. The present amendments cancel claims 86-90 and amend claims 91-94. The amended claims require that the PNRC molecule is selected from SEQ ID NO:8 or 9. These amendments are made without prejudice to continued prosecution of the canceled subject matter.

At this time, Applicants respectfully request favorable consideration of these amended claims and a clear indication from the Office as to whether claims limited to SEQ ID NO:8, 9 and subfragments of these fully described sequences are considered allowable in light of previous statements by the Office that unpredictability or undeterminability of sequence portions from the description in the specification was the reason for rejection of the claims. See Advisory Action dated June 16, 2004 (stating that members of the claimed genus have structural characteristics different from SEQ ID NO:8); Office Action dated December 19, 2003 and May 6, 2003 (emphasizing that the sequences N-terminal or C-terminal to the disclosed sequences were not described). No portions of SEQ ID NO:8 are undescribed, and no claim limited to a subfragment of SEQ ID NO:8 could encompass any undescribed sequences. Applicants therefore respectfully submit that these claims are allowable under the standard outlined by the Office.

For the reasons discussed above, Applicants request allowance of the now pending claims. If any issues remain outstanding with respect to the amended claims, the Examiner is invited to telephone the undersigned Applicants' representative.

Respectfully submitted,

By



Martha Cassidy, Reg. No. 44,066
Attorneys for Applicants
ROTHWELL, FIGG, ERNST & MANBECK, p.c.
Suite 800, 1425 K Street, N.W.
Washington, D.C. 20005
Telephone: (202) 783-6040